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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/537,306	06/02/2005	Olivier Brique	90500-000053/US	1701
30593 7590 09/22/2009 HARNESS, DICKEY & PIERCE, P.L.C. P.O. BOX 8910 RESTON, VA 20195				
EXAMINER				
CHEN, SHIN HON				
ART UNIT		PAPER NUMBER		
2431				
MAIL DATE		DELIVERY MODE		
09/22/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/537,306

Applicant(s)

BRIQUE ET AL.

Examiner

SHIN-HON CHEN

Art Unit

2431

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 August 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 June 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-6 have been examined.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 8/24/09 has been entered.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1 and 3-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Inoue U.S. Pub. No. 20010020297 (hereinafter Inoue) in view of Perdon U.S. Pub. No. 20030106057 (hereinafter Perdon).
5. As per claim 1, Inoue discloses a method of managing a display of events with conditional access, the method comprising:

sending data forming an electronic program guide (EPG) to a decoder, the EPG displaying a list of events to be broadcast, the data for the list of events including, for each event of the list of events, at least one identifier, textual data and a condition block, the condition block including conditions required for accessing the event (Inoue: [0013]: the EPG includes program information that indicates access conditions associated with the programs),

sending at least one authorization message to a security module associated with the decoder, the at least one authorization message defining access rights to the event (Inoue: [0009]: the contract conditions stored by the apparatus);

wherein the access conditions contained in the condition block are expressed in the form of an operation described by a request in a structured language, the operation based on the access rights defined in the received authorization message (Inoue: figure 7: the comparison of contract condition and condition block are carried out in structured language where conditional statements are applied);

a structured language motor seeks, in the security module, the operation contained in the condition block (Inoue: [0010] lines 14-15: the program information reading device provides data to the determining device), and the structured language motor executes the operation (Inoue: [0010] lines 14-15: the determining device determines whether the selected program is allowed to be viewed),

returning to the decoder a result of the execution (Inoue: [0010] lines 17-22: display the result); and

displaying the list of events in the EPG based on execution result of the operation and identifying a displayed event from another displayed event in the list of the events based on the access rights (Inoue: [0010] lines 17-22).

Inoue does not explicitly disclose the operation is also based on at least one of a viewing history of the subscriber and at least one occasion based on information provided by the subscriber. However, Perdon discloses a method of generating personalized/customized EPG based on user viewing history and preference as provided by viewers (Perdon: [0025]). It would have been obvious to one having ordinary skill in the art to create personalized EPG based on multiple parameters because they are analogous art. Therefore, it would have been obvious to one having ordinary skill in the art at the time of applicant's invention to combine the teachings of Peron within the system of Inoue because it displays program more suitable and interested by viewers.

6. As per claim 3, Inoue discloses the method of claim 1. Inoue further discloses wherein the one event to be broadcast is encrypted by at least one control word, the at least one control word is transmitted to the decoder in the form of an encrypted control message and the encrypted control message including the access conditions, wherein at least a portion of the encrypted control message is transmitted in the conditional block (Inoue: [0048]).

7. As per claim 4, Inoue discloses the method of claim 3. Inoue further discloses wherein the condition block only includes the data relating to the access conditions contained in the

control message (Inoue:[0015]: program information includes viewing conditions of the programs).

8. As per claim 5 and 6, Inoue discloses the method of claim 4. Inoue further discloses wherein said data related to the access conditions are sent in encrypted or clear form in the condition block (Inoue: [0048]: the programs and its associated viewing conditions are sent in either clear or encrypted form depending on whether they are conditional access programs).

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Inoue in view of Perdon.

11. As per claim 2, Inoue as modified discloses the method of claim 1. Inoue as modified does not explicitly disclose wherein the request is written in SQL language (Structured Query Language). However, Inoue discloses the process of retrieving contract condition and access conditions for comparison in a content access control system (Inoue: [0009]-[0010]). Although Inoue does not explicitly disclose using SQL language to query the contract conditions stored within the set-top box, one with ordinary skill in the art would adopt various structured language

including, but not limited to, SQL for performing data retrieval and comparison based on design choice.

Response to Arguments

12. Applicant's arguments with respect to claim 1-6 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Maissel et al. U.S. Pub. No. 20030088872 discloses advanced television program that records programs based on user's preferences.

Chang et al. U.S. Pub. No. 20030063117 discloses method for establishing filtered subset of TV programming based on viewer profile.

Aoki et al. U.S. Pub. No. 20020059180 discloses agent interface device for providing information suited for user preferences on the basis of the user usage history.

Ellis et al. U.S. Pat. No. 7185355 discloses program guide system with preference profiles.

Arellano et al. U.S. Pat. No. 6694482 discloses method for an architectural framework for design of an adaptive, personalized, interactive content delivery system.

Strubbe U.S. Pat. No. 5223924 discloses method for automatically correlating user preference with a TV program information database based on EPG and user viewing history and preference.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SHIN-HON CHEN whose telephone number is (571)272-3789. The examiner can normally be reached on Monday through Friday 8:30am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William R. Korzuch can be reached on (571) 272-7589. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Shin-Hon Chen
Primary Examiner
Art Unit 2431

/Shin-Hon Chen/
Primary Examiner, Art Unit 2431